

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division

KELLY A. PHILLIPS,

Plaintiff,

v.

Case No. _____
Portsmouth Circuit Court Case No. L-20-1601

TERRY L. DUNN and
COVAN WORLD-WIDE MOVING, INC.,

Defendants.

JOINT NOTICE OF REMOVAL

Defendants Terry L. Dunn (“Dunn”) and Covan World-Wide Moving, Inc. (“Covan”), (collectively “Defendants”), by counsel, and pursuant to 28 U.S.C. §§ 1441 and 1446, file this Joint Notice of Removal on the following grounds:

1. Plaintiff Kelly A. Phillips filed a Complaint in the Circuit Court for the City of Portsmouth, Virginia on April 28, 2020 alleging a personal injury claim against Defendants for injuries from an accident on September 21, 2018 on I-264 at or near mile marker 5.40 in Portsmouth, Virginia.

2. Plaintiff served Defendant Covan’s registered agent with a copy of a Summons, Complaint, Interrogatories, and Requests for Production on or about June 2, 2020. The Summons to Covan, as well as the Complaint, Interrogatories, and Requests for Production are collectively attached as Exhibit A.

3. Plaintiff served Dunn through the Commissioner of the Virginia Department of Motor Vehicles and Dunn received such papers on or about June 15, 2020.

4. Defendants Covan and Dunn jointly filed an Answer to Plaintiff's Complaint on June 17, 2020. A copy of Defendants' Joint Answer, with a file-stamped first page, is attached hereto as Exhibit B.

GROUND FOR REMOVAL

5. Plaintiff is a Virginia resident and is therefore a citizen of Virginia.

6. Covan World-Wide Moving, Inc. is a Missouri corporation with its principal place of business in Midland City, Alabama.

7. Terry L. Dunn is a Kansas resident and is therefore a citizen of Kansas.

8. This action therefore involves a controversy wholly between citizens of different states. There is complete diversity of citizenship.

9. Plaintiff's Complaint seeks \$100,000 in damages against Defendants, and it otherwise alleges that Plaintiff "suffer[ed] serious and permanent injuries" and "has incurred and will incur in the future medical and related expenses; and has been and will in the future be deprived of earnings and earning capacity." Complaint at ¶ 10.

10. The amount in controversy therefore exceeds \$75,000, exclusive of interest and costs.

11. This Court therefore has original jurisdiction in this matter pursuant to 28 U.S.C. § 1332(a), and it may be removed to this Court pursuant to 28 U.S.C. § 1441(a).

COMPLIANCE WITH PROCEDURAL REQUIREMENTS

12. Pursuant to 28 U.S.C. § 1446 (b), this Notice of Removal is being filed within thirty (30) days after Covan and Dunn were served with the Complaint, the initial pleading setting forth the claims upon which Plaintiff's action is based.

13. Pursuant to 28 U.S.C. § 1441(a), venue of this removal action is proper in the Eastern District of Virginia, Norfolk Division, because it is in the district and division embracing the place where the state court action is pending.

14. Promptly after the filing of this Notice of Removal, Defendants will give written notice of the removal to Plaintiff, the adverse party, and will file a copy of this Notice of Removal with the Circuit Court for the City of Portsmouth, as required by 28 U.S.C. § 1446(d).

15. Pursuant to 28 U.S.C. § 1446(a), a copy of all process, pleadings, and orders served upon Dunn and Covan in the state court action have been attached hereto.

16. Terry L. Dunn and Covan World-Wide Moving, Inc., the two Defendants in this action, both consent to removal.

17. Defendants demand a trial by jury, and a Notice of Demand of Trial by Jury is attached hereto as Exhibit C.

WHEREFORE, Terry L. Dunn and Covan World-Wide Moving, Inc., by counsel, respectfully request that this action be removed from the Circuit Court for the City of Portsmouth to this Court.

TERRY L. DUNN and COVAN WORLD-WIDE
MOVING, INC.

By /s/ D. Cameron Beck, Jr.
Counsel

D. Cameron Beck, Jr. (VSB # 39195)
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CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of June, 2020, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following:

R. Christopher Jones (VSB #48433)
Bridget N. Long (VSB #42963)
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And I hereby certify that on this 25th day of June, 2020, I caused a true copy of the foregoing to be sent via U.S. mail to:

Cynthia P. Morrison, Clerk
Portsmouth Circuit Court
1345 Court St.
P.O. Box 1217
Portsmouth, VA 23705-1217

/s/ _____
D. Cameron Beck, Jr. (VSB # 39195)
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